

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RE: ROSIE R TOLLIVER) CASE NO. 09B37051
) Judge JACK B. SCHMETTERER

AGREED REPAYMENT AND DEFAULT ORDER

THIS CAUSE COMING TO BE HEARD on the Motion of Fifth Third Mortgage Company, the mortgagee on the property located at 20745 Alexander Street, Olympia Fields, IL, the Court having jurisdiction and being duly advised in the premises, and due notice having been given to the parties entitled thereto;

IT IS HEREBY ORDERED:

1. The Debtor acknowledges a default to Fifth Third Mortgage Company of \$7,190.32 through January 2010, after crediting the tender of payments made through January 13, 2010. The aforementioned default is calculated as follows:

| | | |
|--------------------------------|------------------|--------------|
| 11/09 THROUGH 1/10 | = 3 @ \$3,083.62 | \$9,250.86 |
| LATE CHARGES | = 2 @ \$69.73 | \$139.46 |
| BANKRUPTCY FEES AND COSTS | | \$800.00 |
| LESS FUNDS PREVIOUSLY TENDERED | | (\$3,000.00) |
| LEAVES A TOTAL DEFAULT | | \$7,190.32 |

The Debtor shall tender the following payments on or before the following dates:

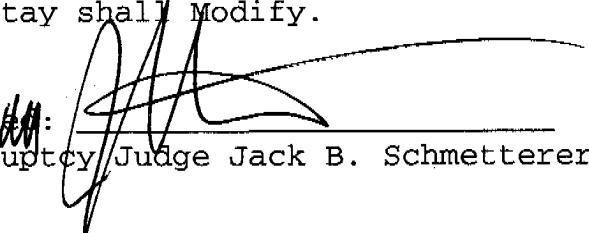
| | |
|----------------------|---|
| On or before 2/28/10 | One post-petition mortgage payment + \$1,198.40 |
| On or before 3/30/10 | One post-petition mortgage payment + \$1,198.40 |
| On or before 4/30/10 | One post-petition mortgage payment + \$1,198.40 |
| On or before 5/30/10 | One post-petition mortgage payment + \$1,198.40 |
| On or before 6/30/10 | One post-petition mortgage payment + \$1,198.40 |
| On or before 7/30/10 | One post-petition mortgage payment + \$1,198.40 |

The current post petition mortgage payment at the present time is \$3,083.62, and may change due to changes in ARM or Escrow if applicable.

2. In the event the Debtor defaults in making the payments under paragraph 1, then the Debtor has no right to cure and the Stay shall automatically Modify to Fifth Third Mortgage Company without further Court Order.
3. The aforestated payments shall be made payable to Fifth Third Mortgage Company and received in the office of Fifth Third Mortgage Company's attorneys, PIERCE AND ASSOCIATES, P.C., in the form of money orders, certified checks, or cashier's checks.

4. Commencing with the August 2010 post-petition mortgage payment and continuing thereafter, if the Debtor fails to make said payment on the date on which it is due, thereby accruing a two month post-petition mortgage payment default, then the Stay shall automatically Modify to Fifth Third Mortgage Company without further Court Order, if upon notice to the Debtor and the Debtor's attorney the complained of default is not fully cured and proof of cure received by Fifth Third Mortgage Company's attorney, Pierce & Associates, P.C., One North Dearborn Street, Suite 1300, Chicago, Illinois 60602, within 14 days from the date notice is sent.
5. In the event the Stay is Modified to Fifth Third Mortgage Company, or its successors and assigns, as outlined in this Order, counsel for the mortgage company shall give notice to the Debtor, the Debtor's attorney and the Trustee and file said notice with the Court.
6. In the event that Pierce & Associates, P.C. should have to send out any Notices of Default under this Order, the Debtor shall pay an extra \$150.00 per Notice in certified funds to Pierce & Associates, P.C. in addition to whatever funds are needed to cure the default cited in the Notice. These \$150.00 payments constitute attorney's fees and must be paid within the same 14 day cure period listed in paragraph 4 of this Order or Stay shall Modify.

Dated: JAN 27 2010

Enter :
Bankruptcy Judge Jack B. Schmetterer

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